



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

**NOTICE OF ALLOWANCE AND ISSUE FEE DUE**

F1M1/0822

FRANK J DYKAS  
DYKAS LAW OFFICE  
P O BOX 877  
BOISE ID 83701-0877

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/755,393	11/22/96	007	ELOSHWAY, C	3105 08/22/97
First Named Applicant	BAROVETTO, DAVID L.			

TITLE OF INVENTION HOT TUB COVER AND ENCLOSURE

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
3 BARD101	004-498.000	082	UTILITY	YES	\$645.00/	11/24/97

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

I. Review the SMALL ENTITY status shown above.  
If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number.  
Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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087102-100 11/02/96 BAROVETTO D BARD101

F1M1/0822

FRANK J. BARAL  
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BOISE ID 83721-0177

EXAMINER

ELOSHWAY, C

ART UNIT

PAPER NUMBER

3105

DATE MAILED:

08/22/97

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

A

# Notice of Allowability

Application No.

08/755,393

Applicant(s)

Barovetto

Examiner

Charles R. Eloshway

Group Art Unit

3105



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to telephone interview 8/21/97

☒ The allowed claim(s) is/are 2-6, 8, and 10

☐ The drawings filed on \_\_\_\_\_ are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☒ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. \_\_\_\_\_.

☐ including changes required by the proposed drawing correction filed on \_\_\_\_\_, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☒ Interview Summary, PTO-413

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☒ Examiner's Statement of Reasons for Allowance

Art Unit:

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Frank Dykas on 21 August 1997.

2. The application has been amended as follows:

**In the specification:**

pg. 7, line 22, change "54" to --56-- and change "56" to --52--.

**In the claims:**

Cancel claim 1.

In claim 2 (patent claim 2):

line 1, change "1" to --10--;

line 2, delete "covering" and "structure";

after "for" insert placement atop the trapezoidal side walls when the trapezoidal side

A | walls are in the closed position, the cap forming;

delete line 3 in its entirety and insert --enclosure--.

In claim 3 (patent claim 3):

line 1, change "1" to --10--.

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In claim 4 (patent claim 4):

line 1, change "1" to --10--;

line 3, change "the" to --each--.

In claim 5 (patent claim 5):

line 1, change "1" to --10--.

In claim 6 (patent claim 6):

line 1, change "1" to --10--;

delete line 2 in its entirety;

line 3, before "hinging" insert --the--;

change "mechanism" to --means--;

change "comprising" to --comprises--;

lines 3-4, delete "with a disengaging fitting".

Cancel claim 7.

In claim 8 (patent claim 7):

line 1, change "1" to --10--;

line 3, after "between" insert --adjacent--;

after "walls" insert --when the trapezoidal side walls are in the closed position--.

Cancel claim 9.

Insert the following new claim 10 (patent claim 1):

10. A cover and enclosure for a hot tub which has sides and an interior for holding water,  
comprising:

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A3  
Cont'd

a. a plurality of individually self-supporting trapezoidal side walls, each having an exterior surface and being separately movable between an open position adjacent a respective one of the sides of the hot tub and a closed position over the hot tub interior;

b. hinging means for permitting movement of each trapezoidal side wall between the open and closed positions and for detachably connecting each trapezoidal side wall to a respective one of the sides of the hot tub; and

c. gripping means for moving the trapezoidal side walls between the open and closed positions; wherein

in the closed position, the trapezoidal side walls form an upwardly angled enclosure for deflecting rain and snow away from the hot tub interior and, in the open position, the trapezoidal side walls are substantially vertical and provide wind screening and privacy for users in the hot tub interior.

### *Drawings*

3. The drawings filed on 22 November 1996 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required.

4. The following is an examiner's statement of reasons for allowance:

None of the prior art, alone or in combination, teaches a hot tub cover having the claimed trapezoidal side walls, hinging means, and gripping means as per claim 10. Claim 9 has been

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canceled because it contains subject matter disclosed but not shown as required by 37

C.F.R. 1.83(a). Claim 7 has been canceled because it is redundant in view of claim 10.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Eloshway whose telephone number is (703) 308-0104.



Charles R. Eloshway

Primary Examiner, Group 3100

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August 21, 1997